

### **REMARKS**

This paper is submitted in response to the office action mailed January 7, 2009, wherein claims 1-5 were pending. By way of the foregoing, claim 1 is amended. No new matter is added.

Each of the outstanding rejections will now be addressed in the order in which they were set forth in the office action.

### **REJECTIONS UNDER 35 U.S.C. §112**

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the examiner asserts that it is not clear what structure was claimed by the phrase “a treatment device of an inspection device.” Claim 1 is amended to delete “a treatment device.”

Reconsideration and withdrawal of these indefiniteness rejections is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being obvious over Dunn (U.S. Patent No. 6,263,887) in view of Halbo (U.S. Patent No. 6,012,344) and Kitterman et al. (U.S. Patent No. 3,773,058). Applicant respectfully traverses these rejections.

#### **Improper Combination of References**

Dunn discloses a waste disposal and canister flushing system for medical canisters. The system includes a cabinet 312 equipped with a sink 320 and a pair of buckets 330, 332 carried by a rod 334. The buckets 330, 332 are adapted to removably contain the medical canisters to be cleaned. During cleaning, the rod 334 is rotated and the buckets 330, 332 are turned upside down. This causes any fluids in the canisters to flow out and into the sink 320. After some predetermined period of time, the buckets 330, 332 and canisters are flushed with a cleaning solution supplied via a pair of hoses 354, 356. Once flushed, the rod 334 is again rotated such that the buckets 330, 332 are upright and the canister can be removed therefrom for reuse.

In the office action, the examiner concedes that Dunn does not disclose an inspection device or a linear conveyor, as recited in independent claim 1 of the present application.

Therefore, the examiner introduces Halbo as disclosing an inspection device, and Kitterman as disclosing a conveyor, and combines these three references to formulate an obviousness rejection of all of the pending claims.

Applicant respectfully submits that the combination of these references is improper and therefore the rejections should be withdrawn. A *prima facie* case of obviousness requires there to be some suggestion to combine reference teachings. In the office action, the examiner asserts that it would have been obvious to one of ordinary skill in the art to modify Dunn with the inspection device of Halbo “to inspect containers for faults.” Page 4, office action. Applicant respectfully disagrees.

While Halbo indeed discloses an inspection device, it would not have been obvious to incorporate such a device in Dunn “to inspect containers for faults,” as asserted by the examiner, because Dunn is not in any way concerned with faulty containers. Rather, as described above, Dunn is concerned with cleaning medical canisters. Nothing suggests that a person having ordinary skill in the art of medical canister cleaning would have any desire, need, or other motivation to inspect the canisters for faults.

Moreover, Dunn discloses a system completely capable of cleaning canisters without the need for any inspection at all. For example, Dunn describes that flushing the canisters with a volume of solution equal to approximately 3 to 4 times their capacities, and for about 45 seconds, is sufficient to clean the canisters. Dunn, column 5, lines 39-49. It must be presumed that no further steps of cleaning, inspection, or otherwise are required.

Therefore, the combination of Halbo with Dunn is improper.

The combination of Kitterman with Dunn is also improper because there is no suggestion to combine the same. In the office action, the examiner asserts that it would have been obvious to combine the conveyor of Kitterman with the cleaning device of Halbo to “supply the apparatus with containers.” Applicant respectfully disagrees. As discussed above, Dunn is concerned with cleaning medical waste containing canisters. It is important that such canisters are transported to the cleaning device carefully to ensure that the medical waste is not spilled or otherwise improperly discarded. As such, a conveyor system would not be a common sensical approach to transporting the canisters because the canisters could tip over and empty onto the conveyor or surrounding surfaces. Moreover, once the canisters

arrive at the cleaning device, they have to be positioned inside of the respective buckets 330, 332 of the system. As such, even if a conveyor were added to the device of Dunn, the device would still further have to be modified to enable the canisters to be moved into the buckets 330, 332, the details of which are neither disclosed nor obvious to a person having ordinary skill in the art.

*Dunn Constitutes Non-Analogous Art*

In addition to the foregoing, Applicant submits that no *prima facie* case of obviousness can be based, even in part, on Dunn because Dunn constitutes non-analogous art. Applicant's invention occupies the field of container inspection machines and, more particularly, machines for inspecting empty, freshly cleaned, returnable bottles. In contrast, Dunn cleans medical waste containers and therefore occupies the field of container cleaning machines. Machines for cleaning are clearly outside of Applicant's field of machines for inspecting containers. Moreover, Dunn would not have logically commended itself to an inventor's attention in considering the development of the inspection machine of the present application because nothing in Dunn inspects.

In light of the foregoing, the combination of Dunn with Halbo and Kitterman is improper and the outstanding obviousness rejections should be withdrawn.

**CONCLUSION**

It is believed that the present application is in condition for allowance. If there are any issues that the examiner believes may be remedied via telephone conference, feel free to contact the undersigned at (312) 474-6300.

Dated: March 26, 2009

Respectfully submitted,

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